

PCT

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

1110 006 301 0202

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/502101

INTERNATIONAL APPLICATION NO.  
PCT/EP03/00546INTERNATIONAL FILING DATE  
21 JANUARY 2003PRIORITY DATE CLAIMED  
21-January-2002

TITLE OF INVENTION

DIFFRACTOMETER AND METHOD FOR DIFFRACTION ANALYSIS

APPLICANT(S) FOR DO/EO/US

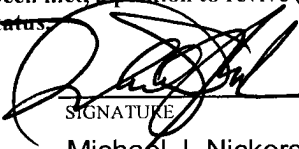
Giovanni BERTI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  
Express Mail Label No. EV299555091US

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination/procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). Declaration unsigned
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

|   |              |              |            |  |    |
|---|--------------|--------------|------------|--|----|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.53) <b>10/502101</b> INTERNATIONAL APPLICATION NO.   |              |              |            | ATTORNEY'S DOCKET NUMBER   |    |
| 21. <input checked="" type="checkbox"/> The following fees are submitted:<br><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b><br>Neither international preliminary examination fee (37 CFR 1.482)<br>nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO<br>and International Search Report not prepared by the EPO or JPO..... <b>\$1080.00</b><br><br>International preliminary examination fee (37 CFR 1.482) not paid to<br>USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$920.00</b><br><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO<br>but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$770.00</b><br><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO<br>but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$730.00</b><br><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO<br>and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b><br><br><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> |              |              |            | <b>CALCULATIONS PTO USE ONLY</b><br><br><br><br><br><br><br><br><br><br>   |    |
|   |              |              |            | <b>\$ 920.00</b>   |    |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months<br>from the earliest claimed priority date (37 CFR 1.492(e)).  |              |              |            | \$   |    |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA | RATE       | \$   |    |
| Total claims  | 15 - 20 =    | 0            | x \$18.00  | \$   |    |
| Independent claims  | 2 - 3 =      | 0            | x \$86.00  | \$   |    |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |              | + \$290.00 | \$   |    |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |              |            | \$   |    |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above<br>are reduced by 1/2.  |              |              |            | \$ 460.00  |    |
| <b>SUBTOTAL =</b>   |              |              |            | \$   |    |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months<br>from the earliest claimed priority date (37 CFR 1.492(f)).   |              |              |            | \$   |    |
| <b>TOTAL NATIONAL FEE =</b>   |              |              |            | \$ 460.00  |    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be<br>accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +  |              |              |            | \$   |    |
| <b>TOTAL FEES ENCLOSED =</b>  |              |              |            | \$ 460.00  |    |
|   |              |              |            | Amount to be<br>refunded:  | \$ |
|   |              |              |            | charged:   | \$ |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.<br><br>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-2737</u> in the amount of \$ <u>460.00</u> to cover the above fees.<br>A duplicate copy of this sheet is enclosed.<br><br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any<br>overpayment to Deposit Account No. <u>50-2737</u> . A duplicate copy of this sheet is enclosed.<br><br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card</b><br><b>information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.   |              |              |            |  |    |
| <b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b>  |              |              |            |  |    |
| SEND ALL CORRESPONDENCE TO:<br><br><b>Michael J. Nickerson</b><br>Basch & Nickerson LLP<br>1777 Penfield Road<br>Penfield, NY 14526   |              |              |            |  |    |
|   |              |              |            | <br>SIGNATURE<br><b>Michael J. Nickerson</b><br>NAME<br><b>33,265</b><br>REGISTRATION NUMBER |    |